UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,072	09/29/2000	Vincent Kovarik	6572-27	2136

			EXAMINER
39207	7590	09/09/2004	DUONG, OANH L

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/677,072	KOVARIK ET AL.
	Examiner	Art Unit
	Oanh L. Duong	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 May 2004</u>.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-18* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim 1 has been cancelled.

Claims 2-18 are presented for examination.

Response to Arguments

1.   Applicant's arguments with respect to claims 2 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2, 5-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191) in further view of Bertin et al. (Bertin) (US 6,400,681 B1).

Regarding claim 2, Knapman discloses a distributed messaging method of publishing topical messages in a communications network (abstract) comprising receiving in a first message router from a data consumer a request to subscribe to a message topic and transmitting data messages from said data publisher over said established interprocess communications link to said data consumer (col. 4 lines 41-55).

Knapman does not explicitly disclose a redirection mechanism and state memory as claimed.

Narendran, in the same field of endeavor, discloses responsive to receiving request, retrieving from a server a location of a second message router, and establishing an interprocess communications connection between said first and second message routers (col. 14 lines 40-54). Narendran teaches that such the redirection mechanism ensures that the load in a distribution system, such as in Knapman, is properly balanced across the servers (col. 3 lines 8-11). For this reason, it would have been obvious to one having ordinary skill in the art to utilize this redirection mechanism in a message distributed computing environment in Knapman.

Bertin, in the same field of endeavor, teaches state memory to store both message traffic data and network configuration data (Fig. 5 col. 5 lines 46-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the state memory of Bertin in the process of transmitting data messages in Knapman because such state memory would enable alternative connections to be established without disrupting the traffic at the end user level, thereby optimizing the overall throughput within the network

Regarding claim 5, Knapman-Narendran-Bertin teaches detecting a communication interruption (Knapman, col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic, establishing an interprocess communications connection between said first message router and said message router communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (Bertin, col. 5 lines 30-32 and col. 22 lines 61-65).

Regarding claims 6-8, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claim 10, a machine-readable storage of claim 10 has a corresponding method of claim 2; therefore, claim 10 is rejected under the same rationale as applied to claim 2.

Regarding claim 13, Knapman-Narendran-Bertin teaches detecting a communication interruption (Knapman, col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic, establishing an interprocess communications connection between said first message router and said message router communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (Bertin, col. 5 lines 30-32 and col. 22 lines 61-65).

Regarding claims 14-16, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claims 9 and 17, Knapman-Narendran-Bertin teaches re-establishing an interprocess communications connection between first and second routers (Bertin, col. 23 lines 45-54).

Regarding claim 18, a distributed message system of claim 18 has a corresponding distributed messaging method of claim 2; therefore, claim 18 is rejected under the same rationale as applied to claim 2.

3.   Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191) in further view of Novaes (US 6,366,826 B1).

Regarding claims 3 and 11, Knapman-Narendran-Bertin does not specifically teach establishing a multicast link. Novaes, in the same field of endeavor, teaches establishing a multicast data communications link between said first and second message routers (col. 3 lines 24-26). Novaes teaches a dynamic multicast routing facility for the distributed processing environment, such as in Knapman, automatically reacts to a failure of any routing node within the environment (col. 3 lines 3-11) and thereby ensuring all functional computing nodes within the distributed computing environment are reachable via multicast (col. 3 lines 30-42). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the multicast communications link of Novaes in a distributed computing environment in Knapman.

Regarding claims 4 and 12, Knapman teaches multicasting data messages from said data publisher over said multicast data communications link to said data consumer (col. 2 lines 6-21).

4.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-
0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

O.D
September 6, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER